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July 3, 2008

81

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AND COURTESY COPY BY FIRST CLASS MAIL

The Honorable Colleen McMahon, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 640
New York, N.Y. 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/8/08

Re: La Barbera v. Elite Ready Mix Corp.
CV-08-3736 (CM)(MHD)

Dear Judge McMahon:

This office represents the Trustees and fiduciaries (the "Trustees") of the Local 282 Trust Funds, Plaintiffs in this matter. There is presently an Initial Pretrial Conference scheduled in this matter for 11:45 a.m., Friday, July 11, 2008. However, the Defendant has not yet answered the complaint, and has not otherwise made an appearance. The Trustees are preparing default papers in accordance with the rules of Your Honor, which include the submission of the 20-day Notice.

We write to the Court to inquire whether the Initial Pretrial Conference should proceed as planned, or if such conference should be postponed given the failure of the Defendant to appear, and given that the Trustees will be submitting default papers shortly. Please advise at Your Honor's convenience.

Author: DLS Doc Number: 100511

No - file your
motion unless the
defendant surfaces


Colleen McMahon
7/8/08

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The Hon. Colleen McMahon, U.S.D.J.
July 3, 2008
Page 2

Thank you for your consideration.

Respectfully submitted,



Douglas L. Sanders (DS-4378)

cc: The Hon. Michael H. Dolinger, U.S.M.J. (via ECF)